

REMARKS

The Office Action dated June 9, 2004, has been received and carefully considered. Claims 1-24 are pending in the present application. Reconsideration of the outstanding rejection of claims 1-24 in the present application is respectfully requested based on the following remarks.

At the outset, Applicants note with appreciation the indication on page 4 of the Office Action that claims 5, 9, and 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants have opted to defer rewriting the above-identified claims in independent form pending reconsideration of the arguments presented below with respect to the rejected claims.

I. THE OBJECTION TO THE DRAWINGS

On page 2 of the Office Action, the drawings were objected to for failing to include Figure 22.

Figure 22 was inadvertently omitted when the present application was filed. However, it is respectfully submitted that the specification fully supports Figure 22, and that the entry of Figure 22 as indicated in Appendix B will not introduce

new matter. Thus, entry of Figure 22 as indicated in Appendix B is respectfully requested.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the drawings be withdrawn.

II. THE ANTICIPATION REJECTION OF CLAIMS 1-4, 6-8, 10-12, 14-24

On pages 2-4 of the Office Action, claims 1-4, 6-8, 10-12, and 14-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ashwood Smith (U.S. Patent No. 6,738,354). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). "Such possession is effected if one of ordinary

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skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention." Id..

The Ashwood Smith reference was filed February 18, 2000. Thus, the Ashwood Smith reference has an effective filing date of February 18, 2000.

Applicants respectfully submit that the invention disclosed and claimed in the present application was conceived prior to February 18, 2000. Applicants also respectfully submit that they were duly diligent in preparing and filing the present application from the date of conception of the invention disclosed and claimed in the present application to the filing date of the present application (i.e., October 11, 2000). Applicants support the above-stated submissions with inventor declarations under 37 C.F.R. § 1.131, which are submitted herewith, and which contain a showing of facts that clearly establish the above-stated submissions. Accordingly, the Ashwood Smith reference is not a proper prior art reference for application against the claims of the present application.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-24 be withdrawn.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

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Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,
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